

JOINT MEETING MINUTES
TEXAS BOARD OF PROFESSIONAL ENGINEERS
AND TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS
1917 IH-35 SOUTH – BOARD ROOM
AUSTIN, TEXAS 78741
APRIL 30, 2009
10:00 A.M.

Call to Order Ms. Shannon McClendon, TBPE, Co-Chair, called the joint meeting of the Texas Board of Professional Engineers (TBPE) and the Texas Board of Professional Geoscientists (TBPG) to order on April 30, 2009, at 10:22 a.m. at the TBPE office, 1917 IH-35 South, Austin, Texas. (Note: All votes are unanimous unless otherwise stated.)

1. Roll Call and Welcome Visitors

The following Committee members were present:

Shannon K. McClendon, TBPE	Co-Chair
James Greer, P.E., TBPE	Member
Y. Lynn Clark, P.G., TBPG	Co-Chair
Barbara O. Roeling, P.G., TBPG	Member
Gregory Ulmer, TBPG	Member

A quorum was present. Ms. Veena Mohan, Assistant Attorney General representing TBPE, and Ms. Melissa Juarez, Assistant Attorney General representing TBPG were present to provide legal counsel. Also present were the following personnel:

Dale Beebe Farrow, P.E.	Executive Director, TBPE
Charles Horton	Interim Executive Director, TBPG
Lance Kinney, P.E.	Deputy Executive Director, TBPE
C. W. Clark, P.E.	Director of Compliance & Enforcement, TBPE
Alberto Jimenez, P.G.	Investigator, TBPG
Molly Roman	Administrative Coordinator, TBPG
Dorothy Nieto	Executive Assistant, TBPE

Visitors: Gary Lantrip, P.G., P.E., Texas Department of Transportation (TXDOT).

2. Public Comment. None.

Discuss and Possibly Act on the Following Items:

3. Discuss and possibly approve the August 6, 2008, minutes of the joint meeting of the Texas Board of Professional Engineers and Texas Board of Professional Geoscientists.

It was MOVED/SECONDED (Clark/Greer) to accept the August 6, 2008, minutes of the joint meeting of the Texas Board of Professional Engineers and Texas Board of Professional Geoscientists with edits. A vote was taken, and the MOTION PASSED.

Mr. Clark introduced Ms. Barbara O. Roeling, P.G., as the replacement on the TBPE/TBPG Joint Committee for Mr. Gordon Ware, P.G.

4. Presentation by J. Gary Lantrip, P.G., P.E. on experience of both professions.

Mr. Lantrip mentioned that he is a transportation engineer for the Texas Department of Transportation (TXDOT). Mr. Lantrip is grateful for being licensed by both Boards and is willing to give back to both professions in any way he can. He shared his work experience as a geologist in an oil service firm and added that he joined TXDOT as an engineering technician in the design section after the oil industry work came to a complete halt. After a while his job duties progressed to hydraulics and he received training on urban design which promoted him to more complex design. Then the TXDOT office in Austin had a job opening for a Geologist. As a Geologist for TXDOT, he became a Karst Geologist. Karst is a rock that is soft, full of holes, and can readily absorb water from the surface. It is a limestone that has a dissolution of the materials itself and has voids in it and is what forms caves. Mr. Lantrip shared his experience as a geologist for TXDOT in regards to road testing and described his involvement with several projects. He believes there are other things that are cooperative and collaborative between the two professions. He shared with the Committee the Engineering and Geology Practice Guidelines prepared by the Joint Task Force on Areas of Practice (JTFAP). According to Mr. Lantrip the guidelines arose from the concerns about the overlap between engineering and geological practice. The principle societies of both professions want to form a mutual effort to further teamwork and similar work. Mr. Lantrip believes there is overlap between geologists and civil engineers. He opined that the JTFAP wanted to address three items they believe are of importance: academic background between the two professions; the lack of sophistication on the part of the client who may not understand or value the use of both professions; and the desire of engineering firms that want to serve the client to the fullest degree possible without hiring the services of other disciplines as associates or sub-contractors. Mr. Clark mentioned that the TBPE and the TBPG have a MOU in place that is available on both websites addressing the overlap of both professions. He added that the only time the public is well served by getting the best product possible by the people we recognize as professionals is if those professions work together. Mr. Clark commented that he realizes that Texas is leading the country in trying to move forward in terms of raising the bar between the professions and professions working together. Mr. Lantrip believes that if the engineers want the work and want to work in a collaborative effort they will receive an open welcome. Mr. Lantrip does not see any conflict between the professions. Ms. Roeling added that there are two Bills going through the Legislature concerning TBPG; a PE/PG spoke on behalf of the two Bills emphasizing the importance of the overlap, understanding it and appreciating both Boards working together on this issue. The Committee thanked Mr. Lantrip for his presentation.

5. Report on Number of firms and individuals that are jointly licensed or registered.

Ms. Beebe Farrow reported the number of firms that are registered with TBPE and TBPG was 62. Each firm was sent a letter informing them of the joint effort between the two Boards and included a copy of the MOU that is currently in place. There were 90 individuals that have been identified as licensed by both Boards.

6. Consideration for Industry/Education Advisory Committee to the TBPE/TBPG Committee.

The Committee did not take any action on this agenda item. Ms. Beebe Farrow said that the suggestion was to share the information with the TBPG about the two advisory TBPE Committees. Mr. Clark said that this effort has been placed on hold for the immediate future.

7. Discuss and possibly consider a Charter for the TBPE/TBPG Committee.

Ms. McClendon shared with the Committee members the charter that was written for the Industry Advisory Committee. Since the TBPE/TBPG Joint Committee has a Memorandum of Understanding (MOU) a charter would be duplicating the effort. The Committee did not take any action on this agenda item.

8. Executive Directors' Reports:

- **Dale Beebe Farrow, P.E.**

- **TBPE Rules Updates.**

- Mr. Kinney reported that the TBPE went through the legislatively mandated quadrennial rule review making changes to 62 rules. Most of the changes involved administrative rules. He also described several other rule changes, including a change allowing licensees to earn up to 3 professional development hours for making presentations to University or K-12 students and a rule requiring firm names and numbers on engineering work to connect the engineer and firm.

- **TBPE Initiatives Update**

Ms. Beebe Farrow reported that the Legislature is still in session and TBPE is monitoring legislation. She reported that the TBPE is going through an audit by the State Auditor's Office and described the process involving an MOU between the TBPE and the State Auditor's Office. She added that the TBPE has an Audit Ad HOC Committee as well. Ms. Beebe Farrow reported that the National Council of Examiners for Engineering and Surveying (NCEES) Southern Zone meeting will occur later in May. Mr. Govind Nadkarni, P.E., former TBPE Board Chair, is a candidate for the NCEES Southern Zone Vice President position which would give him a seat on the NCEES Board of Directors.

- **Outreach**

Ms. Beebe Farrow shared that the TBPE has completed 98 presentations as of the third quarter of 2009, and presented close to 5,000 people. She forecasted that the agency will surpass the 2008 outreach numbers.

- **TBAE vs. TSPE lawsuit update**

Ms. Beebe Farrow reported that the most recent activity was a District Court Hearing on Monday, April 27. It is also reported that a motion was made to combine the SOAH cases with the District Court Case and the judge rejected the request. Ms. Beebe Farrow said the judge made it very clear that the individual engineers have the right to object to the rules adopted by the TBAE regarding what engineers can and cannot do. Ms. Beebe Farrow gave a brief summary of the issues between the TBAE and TBPE to bring recently appointed Committee members up to date. Ms. McClendon mentioned that it is a good to have a Joint Committee working together and addressing any issues between the Boards.

- **Legislative Session Update**

Mr. Kinney reported on the Bills that the Board is tracking regarding engineering. HB2649 affects the Engineering Practice Act and contains three main items: windstorm inspections and designs; residential construction regarding foundations built on expansive soil; and rolling in language in HB1065 allowing the term "engineer" to be used by certain fire department employees. HB1632 is an exemption for certain engineering design requirements for Volunteer Fire Departments. Mr. Clark asked about SB 941 regarding the professional services procurement act. Mr. Kinney responded that the TBPE Board tracks Bills and is not directly involved with any particular Bill. Ms. McClendon asked Mr. Kinney to provide the Committee with a list of Bills that TBPE is tracking and to include the comments on why the TBPE is tracking the bill. Mr. Clark is looking to identify Bills that may affect both Boards and to be able to discuss the impact together. Ms. McClendon added that the Committee would like to use the Telecon report to see where the Committee can find alignment and provide support from each Board. Mr. Kinney explained that the comments do not contain a full discussion but rather are a simple explanation of what the Bill is about. Ms. Beebe Farrow will call Mr. Horton to discuss any Bill involving both Boards as such Bills are identified. Mr. Greer suggested the Committee meet before the next session and

have an agenda item regarding upcoming Legislative issues. Ms. Roeling shared that HB1105 is currently of interest to both Boards. Mr. Kinney reported that HB1105 has not moved forward. Ms. McClendon suggested that both EDs get together as a resource to talk about future sessions and Bills.

- **Charles Horton, Interim Executive Director**

- **TBPG Rules Update**

Mr. Horton reported that the TBPG Board adopted a new rule regarding continuing education credits allowing the PG to access and determine if seminars/trainings they attend meet the continuing education requirement (effective March 2009); the TBPG will do random audits to ensure the requirement is being met (effective March 2009); the TBPG adopted a rule that decreased the licensing fee for licensees 65 years old and over; a Firm will be allowed to renew their registration after expiration by filling out the proper renewal forms and paying a \$50 late fee, effective 20 days after being posted on the Texas Register; the Board is proposing a revision to the rule regarding firm registration stating that firms registered with the TBPE providing work that is both engineering and geosciences are exempted from the firm registration requirement with the TBPG if the engineering firm is performing work that is incidental and specific to the engineering work that is described in the MOU.

- **TBPG Initiatives Update**

Mr. Horton said that the TBPG looked at the TCEQ corrective action specialist registered firms and concluded that there were 131 letters sent to these firms. The letter informed the firms of the TBPG Act and Rule requirement for firm registration, required a response to the letter sent to them, encouraged firm registration, and informed them that action would be taken if a response was not received by the TBPG Board within the 30 days of receiving the letter. To date, approximately 30 written responses have been received. The responses resulted in five firm registrations. Mr. Clark asked if any of the firms responded that they are already registered with the TBPE. Mr. Jimenez responded that approximately twelve have responded that they are registered with the TBPE. Mr. Clark asked that information be shared with Ms. Beebe Farrow.

The TBPG is refining the current complaint process. Mr. Horton drafted a flow chart which was shared with Mr. Heyburn and was presented to the Board. A change to the disciplinary action process is to use two Board members instead of four to review complaints in conjunction with the ED, investigator, and attorney. Ms. Beebe Farrow shared the TBPE compliance and enforcement process.

The TBPG is looking at a Geoscientist in Training (GIT) program that was submitted to Legislature. Should this pass, the task to develop the program will be assigned to the TBPG Licensing Committee. The GIT will be modeled after the EIT program.

Mr. Horton is working on an operational plan that looks at all the initiatives the TBPG Board would like reviewed, and will be presented to the TBPG Board in the near future.

Reciprocity efforts continue. Agreement has been reached with Alabama and Mississippi. Wyoming, Kentucky, and South Carolina will be reviewing the reciprocity with Texas within the next month or two. California is not able to consider reciprocity at this time.

- **Outreach**

The TBPG outreach program is on hold at this time.

- **Legislative Session Update**

SB940 and HB2821 amend the Geosciences Practice Act to include the GIT program, authority to issue advisory opinions, and the express authority to be able to self initiate complaints.

SB941 and SB2820 regarding the amendments to Government Code 2254, The Professional Services Procurement Act, would add Geosciences to the list of professional service in 2254.002, and add Geoscientist to the list of professionals subject to the contract provisions of the Act.

The Senate has passed one version of the TBPG budget; the House has passed another version. The agency still does not know what their budget is at this time. The TBPG Board requested additional monies; the House agreed but asked the agency to look at raising fees.

Mr. Horton informed the Committee that Mr. Michael Hess, Executive Director, is expected to return July 16, 2009.

9. Consideration of future agenda items.

Ms. McClendon asked the Committee members to email Ms. Beebe Farrow any items they would like to see on the agenda.

10. Set next joint meeting date.

The Committee agreed to schedule a meeting after September 1, 2009. Ms. Nieto will send out a matrix to coordinate the next joint meeting.

Adjourn.

The meeting was adjourned at 12:12 p.m.

Date minutes were approved as corrected:

December 11, 2009

Date minutes were accepted by the TBPE Board:

February 25, 2010